

## National Aeronautics and Space Admin.

## § 1264.101

### § 1263.110 Intention to provide guidance.

This part is intended to provide guidance for the internal operation of NASA and is not intended to, does not, and may not be relied upon to create any right of benefit—substantive or procedural—enforceable at law against the United States or NASA.

## PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

### Sec.

- 1264.100 Basis and purpose.
- 1264.101 Definitions.
- 1264.102 Basis for civil penalties and assessments.
- 1264.103 Investigation.
- 1264.104 Review by the reviewing official.
- 1264.105 Prerequisites for issuing a complaint.
- 1264.106 Complaint.
- 1264.107 Service of complaint.
- 1264.108 Answer.
- 1264.109 Default upon failure to file an answer.
- 1264.110 Referral of complaint and answer to the presiding officer.
- 1264.111 Notice of hearing.
- 1264.112 Parties to the hearing.
- 1264.113 Separation of functions.
- 1264.114 *Ex parte* contacts.
- 1264.115 Disqualification of reviewing official or presiding officer.
- 1264.116 Rights of parties.
- 1264.117 Authority of the presiding officer.
- 1264.118 Prehearing conferences.
- 1264.119 Disclosure of documents.
- 1264.120 Discovery.
- 1264.121 Exchange of witness lists, statements, and exhibits.
- 1264.122 Subpoena for attendance at hearing.
- 1264.123 Protective order.
- 1264.124 Fees.
- 1264.125 Form, filing, and service of papers.
- 1264.126 Computation of time.
- 1264.127 Motions.
- 1264.128 Sanctions.
- 1264.129 The hearing and burden of proof.
- 1264.130 Determining the amount of penalties and assessments.
- 1264.131 Location of hearing.
- 1264.132 Witnesses.
- 1264.133 Evidence.
- 1264.134 The record.
- 1264.135 Post-hearing briefs.
- 1264.136 Initial decision.
- 1264.137 Reconsideration of initial decision.
- 1264.138 Appeal to authority head.
- 1264.139 Stays ordered by the Department of Justice.

- 1264.140 Stay pending appeal.
- 1264.141 Judicial review.
- 1264.142 Collection of civil penalties and assessments.
- 1264.143 Right to administrative offset.
- 1264.144 Deposit in Treasury of United States.
- 1264.145 Compromise or settlement.
- 1264.146 Limitations.

APPENDIX A TO PART 1264—NOTICE TO CONSENT TO THE CHAIRPERSON, NASA BOARD OF CONTRACT APPEALS (BCA), OR DESIGNEE, AS PRESIDING OFFICER

AUTHORITY: 31 U.S.C. 3809, 42 U.S.C. 2473(c)(1).

SOURCE: 52 FR 39498, Oct. 22, 1987, unless otherwise noted.

### § 1264.100 Basis and purpose.

(a) *Basis*. This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. 99-509, sections 6101-6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801-3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose*. This part does the following:

(1) Establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents; and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

### § 1264.101 Definitions.

(a) *ALJ* means an Administrative Law Judge in the authority appointed pursuant to 5 U.S.C. 3105 or detailed to the authority pursuant to 5 U.S.C. 3344. For purposes of this part, the ALJ shall be referred to as the presiding officer.

(b) *Authority* means the National Aeronautics and Space Administration (NASA).

(c) *Authority head* means the NASA Administrator or Deputy Administrator or designee. For purposes of this regulation, the NASA General Counsel or Deputy General Counsel is designated legal counsel to the Authority head.